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REMARKS

Claims 1-26, 28-36, 38, 39, 41-46, 48-54, 56, and 57 are pending in the subject application. Claims 1, 7, 16, 29, 46, 53, and 57 are amended and claims 58-62 are added. The amendments are supported by the specification as filed, and no new matter is presented (e.g. see [0014], 0015, [0030]; [0047]). Favorable reconsideration in light of the remarks which follow is respectfully requested.

1. 35 U.S.C. §103 Rejection

Claims 1-14, 16-24, 29-34, 38, 39, 46, and 48-54 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,786,896 to Madhani et al (hereinafter "Madhani") and U.S. Patent No. 5,695,500 Taylor et al. (hereinafter "Taylor"). Applicants respectfully traverse.

Applicants claim in independent claims 1, 16, and 29 an apparatus for placing a proximal portion of a needle in a target area. The apparatus includes a first arm configured and arranged to rotatably support a distal portion of the needle about its translational axis, and a second arm spaced apart from the first arm, the second arm configured and arranged to support a proximal portion of the needle. The second arm is aligned with the first arm so that the first arm and distal portion of the needle are movable toward the second arm.

Applicants claim in independent claim 59, an apparatus for placing an end of an elongated tissue penetrating member into a target area by longitudinal translation of the tissue penetrating member in a desired travel path comprising a first arm arranged and configured to grasp a distal portion of the tissue penetrating member, a first drive mechanism coupled to the first arm and arranged and configured to translate the first arm from an initial position to a secondary position toward the target area, thereby also longitudinally translating the tissue penetrating member toward the target area, and a second arm spaced apart from the first arm and arranged and configured to support a proximal portion of the tissue penetrating member. The second arm includes a guide mechanism in which the tissue penetrating member is moveably received, and which is arranged and configured to restrain the movement of the tissue penetrating member to translation along its longitudinal axis.

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Applicants claim, in independent claim 46, a method for localizing a proximal portion of a needle in a target area of a body comprising supporting a distal portion of the needle from a first arm and a proximal portion of the needle from a second arm, positioning the first and second arms with respect to the body so the translational axis of the needle passes through the target area, linearly translating the first arm from an initial position to any of a number of other positions spaced from the initial position, thereby also translating the needle proximal portion in a direction towards the target area, wherein one of the any of a number of other positions corresponds to a condition where the needle proximal portion is disposed in the target area, and rotating the needle about the translational axis of the needle.

Applicants' device, which utilizes a second supporting arm, provides numerous advantages by preventing deflection or slippage of a penetrating member, for example, as it penetrates inhomogeneous tissues (see, e.g., [0007]), and by allowing for more accurate final positioning of a tissue penetrating member, such as a needle, in a target tissue. (see, e.g., [000]8).

Madhani describes a device having fingers or jaws 318 or 376 that are designed to grip a surgical instrument (see Madhani et al., col. 10, ll. 60-64, col. 32, ll. 1-6). Similarly, Taylor describes a device having a clamp 117 that is adapted to clamp onto a surgical instrument. (Taylor et al., col. 11, ll. 33-35).

Clearly, Madhani and Taylor both at least fail to describe or suggest an apparatus for placing an end of a tissue penetrating member into a target area, the apparatus having a first arm arranged and configured to grasp a distal portion of the tissue penetrating member and a second arm spaced apart from the first arm and arranged and configured to support a proximal portion of the tissue penetrating member, the second arm being aligned with the first arm so that the first arm and distal portion of the needle are movable toward the second arm (claims 1, 16, and 29), or wherein the second arm includes a guide mechanism in which the tissue penetrating member is moveably received and which is arranged and configured to restrain the movement of the tissue penetrating member to translation along its longitudinal axis (claim 59). Madhani and

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Taylor further at least fail to describe or suggest a method for localizing a proximal portion of a needle in a target area of a body comprising supporting a distal portion of the needle from a first arm and a proximal portion of the needle from a second arm, linearly translating the first arm from an initial position to any of a number of other positions spaced from the initial position, thereby also translating the needle proximal portion in a direction towards the target area, wherein one of the any of a number of other positions corresponds to a condition where the needle proximal portion is disposed in the target area, and rotating the needle about the translational axis of the needle (claim 46).

Accordingly, claims 1, 16, 29, 59, and 46 are patentable over Madhani and Taylor. Claims 2-15, 7-25, 28, 30-36, 38, 39, 41, 48-54, 58, and 60-62 depend from claims 1, 16, 29, 59, and 46 and, likewise, are patentable over Madhani et al. Reconsideration and withdrawal of the rejection is respectfully requested.

2. Allowable Subject Matter

Applicants appreciate the notification in the Office Action of allowable subject matter, i.e. that claims 26, 42-45, 56, and 57 are allowed and that claims 15, 35, 36, and 43 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

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CONCLUSION

It is respectfully submitted that the subject application is in a condition for allowance.
Early and favorable action is requested.

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any
excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account
No. 04-1105.

Date:

1/1/08

Respectfully submitted,

By:


Lisa Swiszczyk Hazzard (Reg. No. 44,368)

EDWARDS ANGELL PALMER &

DODGE LLP

P.O. Box 55874

Boston, MA 02205

(617) 439- 4444

Customer No. 21,874

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